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THE NATIONAL INDIAN FOREST RESOURCES MANAGEMENT ACT

JULY 30 (legislative day, JULY 10), 1990.—Ordered to be printed

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Mr. INOUYE, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 1289]

The Select Committee on Indian Affairs, to which was referred the bill (S. 1289) to improve the management of Indian forests and the production of forest resources on Indian lands, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE

The purpose of S. 1289 is to improve the management of Indian forest lands and to promote the sustained yield production of forest resources in perpetuity on Indian lands.

BACKGROUND

Indian forest resources have been the subject of several decisions of the United States Supreme Court and at least four Acts of Congress since 1874. In *United States* v. *Cook*, 19 U.S. (Wall) 591 (1874), the Supreme Court held that because Indians only possessed a right to occupancy, and not title, to Indian lands, they could cut timber for the purpose of clearing the land, but not for the purpose of marketing the timber. After the passage of the first Allotment Act in 1887, the United States Attorney General determined that the holding in *Cook* applied to all Indian lands unless a statute provided explicit authority to the contrary. In 1889, the Congress implicitly ratified the opinion of the Attorney General by enacting a law to authorize the sale of dead timber on Indian allotments and

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reservations. (Act of Feb. 16, 1889, ch. 172, 25 Stat. 673, 25 U.S.C. 196). In subsequent years, the Congress occasionally authorized the harvest and sale of timber on specific Indian lands, such as the Jicarilla Apache reservation in New Mexico (34 Stat. 91 (1906)).

In 1910, the Congress recognized that the absence of general statutory authority for the sale of timber on Indian lands was undesirable "because in many instances the timber is the only valuable part of the allotment or is the only source from which funds can be obtained for the support of the Indian or the improvement of his allotment." (H. Rept. No. 1135, 61st Cong., 2d Sess. (1910); Act of June 25, 1910, ch. 431, 36 Stat. 857, 25 U.S.C. 406, 407). Pursuant to the 1910 Act, the Secretary was authorized to sell timber on both allotted and unallotted lands and apply the proceeds for the benefit of the Indians. With the consent of allottees, the Secretary was also authorized to provide for timber sales with the proceeds to be paid to the allottees or disposed of for their benefit. In 1911, the Department of the Interior, through the Office of Indian Affairs, promulgated regulations to govern the management of "the Indian forests so as to obtain the greatest revenue for the Indians consistent with a proper protection and improvement of the forests." (U.S. Office of Indian Affairs, Regulations and Instructions for Officers in Charge of Forests on Indian Reservations (1911)). These early regulations applied to all aspects of forest management including the size of sales, contract procedures, advertising, billing, deposits, management fee deductions, sales by minors, marking, scaling and forestation.

In 1920, the Congress authorized the Secretary of the Interior to "collect reasonable fees to cover the cost of any and all work performed for Indian tribes or for individual Indians" from the proceeds of sale or other sources of revenue (Act of Feb. 14, 1920, ch. 75, 41 Stat. 415, as amended by the Act of Mar. 1, 1933, 47 Stat. 1417, 25 U.S.C. 413). Pursuant to this authority, the Secretary has regularly deducted up to ten percent of the proceeds from the sale of Indian forest resources to defray administrative costs. These deductions have been variously referred to as forest management deductions or administrative fee deductions.

By 1934, deficiencies in the management of Indian forest resources had become evident. As H.B. Steer, who served as Supervisor of Forests for the Taholah Agency on the Quinault Reservation during the 1920's wrote: "The Indian Service as a whole, and the Forestry Branch in particular, has been undermanned and underfinanced since inception . . . the Forestry Branch has never had sufficient funds for personnel, equipment, fire prevention and suppression, timber sale administration and all other kinds of forestry work." (Steer, H.B., A National Plan for American Forests: The Indian Forests 619 (73rd Cong., 1st Sess., Sen. Doc. 12 (1933)). The Congress sought to address these shortcomings in Section 6 of the Indian Reorganization Act of 1934 (Act of June 18, 1934, ch. 576, 48 Stat. 984, 25 U.S.C. 466) by directing that the Department of the Interior manage Indian forest resources "on the principle of sustained yield management." A sponsor of the Indian Reorganization Act, Representative Howard, stated that the purpose of Section 6 was "to assure that the Indian forests will be permanently productive and will yield continuous revenues to the tribes." 78

Cong. Rec. 11730 (1934). Representative Howard characterized the relationship between the Indians and the federal government as a "sacred trust" and stated that "the failure of their governmental guardian to conserve the Indians' land and assets and the consequent loss of income or earning power, has been the principal cause of the present plight of the average Indian." 78 Cong. Rec. 11726 (1934). The regulations subsequently promulgated by the Secretary of the Interior remain largely in effect today and require the preservation of Indian forest lands in a perpetually productive state, forbid clear cutting in large areas, require management plans, forestation and the regulation of run-off and erosion (25 C.F.R. pt. 163 (1989)).

While the 1934 Act may have brought about some improvement in the management of Indian forest resources, a 1940 Department of the Interior report, "Forestry on Indian Lands," documented the need for greater efforts and concluded:

> The administration and protection of the Indian forest and rangelands has been seriously handicapped from the beginning because of insufficient funds . . . In fact, Section 6 of the Act of June 18, 1934 (48 Stat. 984) directs the Secretary of the Interior to manage forest lands on Indian reservations coming within this Act on a sustained yield basis. To accomplish these necessary objectives, however, requires a high degree of intensive management which can only be accomplished by a substantial increase in the annual appropriations available for forestry work on Indian reservations.

A 1975 study conducted by the Comptroller General of the United States at the request of Senator Jackson, Chairman of the Senate Committee on Interior and Insular Affairs, revealed continuing problems in the management of Indian forest resources. The study was based on a thorough analysis of the forest resources of the Yakima, Colville and Fort Apache reservations. The study concluded in pertinent part that:

> Because of the opportunities for increasing Indian employment and income and for reducing the Nation's predicted, long-term shortage of softwood sawtimber, the Bureau [of Indian Affairs] should make strong efforts to accelerate timber production on Indian forest land. Accelerating production will require improved work planning, better financial controls, simplified timber sales procedures, and additional staffing at some reservations.
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> To better direct its efforts toward management opportunities that will result in the best timber growth, the Bureau needs to improve its planning of precommercial thinning and reforestation work and to establish plans for commercial thinning. Improved planning requires inventory data on the location, size, and condition of areas needing thinning or reforestation. This data should provide the basis for identifying the best management opportunities. Long-range plans should be established for eliminating the

backlog of needed work over a reasonable time, with emphasis on accomplishing the best opportunities first.

Considering the importance of improving the management of Indian forest lands, financial controls should be established to insure that the use of 10-percent funds [the forest management deduction] be limited to those activities that contribute to better management. Guidelines should not be open-ended; they should limit the use of the funds to specific forest management activities. Review procedures are needed to insure that the funds are being used in accordance with the guidelines.

The Bureau should provide for the salvage of additional volume of dead and dying timber on Indian lands. To do this, it needs to develop continuous salvage plans and use timber sales preparation and administrative procedures especially tailored for the prompt salvage of scattered timber. Improved planning and modified sales procedures should reduce the manpower needed for a salvage sale. The Forest Service is establishing a systematic salvage program on its national forests to increase its harvest of dead and dying timber. Consultation with the Forest Service should prove to be of value to the Bureau in improving its salvage program.

Cutting less than the allowable harvest volume is not in harmony with the Bureau's forest management objective of sustained yield. The Bureau objective states that the allowable cut will be both a limitation on and an objective for the timber area to be treated. Bureau officials said that the primary reason for undercutting is the lack of forestry personnel to prepare and administer timber sales. The Bureau also cited this reason for not developing programs, such as commercial thinning, that would increase timber growth. Our staff analysis at a reservation showed that the Bureau was understaffed in comparison to a nearby national forest. An increase in staffing may therefore be needed if Indian forests are to be more fully managed for increased timber production.

The Bureau should obtain, evaluate, and report to the Congress appropriate information on its success in accelerated timber production. Such information should give the Congress an improved basis on which to review the Bureau's forestry program accomplishments, to evaluate the effectiveness of current forest policy, and to assess Bureau forestry personnel and funding needs. (Comptroller General, Indian Natural Resources—Opportunities for Improved Management and Increased Productivity, Part I: Forest Land, Rangeland and Cropland (1975)).

In response to the Comptroller General's study, the Congress increased appropriations in the late 1970's for forestation activities and to provide for more forestry personnel in the Bureau of Indian Affairs. In addition, the BIA began to conduct periodic assessments of forestry personnel and funding needs.

During the early 1980's, the Supreme Court issued two decisions relating to the federal trust responsibility for Indian forest resources. In *United States* v. *Mitchell*, 445 U.S. 535 (1980) (*Mitchell I*) the Court held that the Indian General Allotment Act of 1877 did not establish a federal fiduciary responsibility for the management of Indian allotted forest lands. The case before the Court had been brought in the Court of Claims by several individual Indian allottees and the tribal government on the Quinault Reservation in Washington State as a suit for damages for breach of trust. The Supreme Court remanded the case to the Court of Claims for a determination of whether other federal statutes had established a trust responsibility for the protection and management of Indian forest resources.

On remand, the Court of Claims held that the federal trust responsibility had been established and that the United States was liable for money damages for breach of trust. (229 Ct. Cl. 1, 664 F.2d 265 (1981)). In the subsequent appeal, the Supreme Court affirmed the ruling of the Court of Claims. *United States* v. *Mitchell*, 463 U.S. 206 (1983) (*Mitchell II*). In doing so, the Court found that by enacting 25 U.S.C. 406, 407 and 466, *inter alia*, the Congress had recognized a federal trust responsibility for the management of Indian forest resources.

In the 100th Congress, the Select Committee on Indian Affairs held an oversight hearing on the management of Indian forest resources at Nespelem, Washington on the Colville Indian reservation. During 1989, the Special Committee on Investigations of the Select Committee on Indian Affairs conducted another oversight hearing on the management of Indian forest resources. (S. Hrg. 101-126, Pt. 11, 101st Cong., 1st Sess. (1989)). Testimony received from Federal and tribal officials described the continuation of many of the same problems which had been identified in previous federal studies, including the Comptroller General's 1975 report. In addition, federal and tribal witnesses presented testimony which revealed:

—Over $300,000,000 in lost revenues during the preceding decade through poor management.
—The need for a comprehensive assessment of the condition of Indian forest resources.
—The need for additional federal and tribal personnel to ensure sustained yield management of Indian forest resources in perpetuity.
—The need for federal education and employment incentives to encourage greater Indian participation in the management of Indian forest resources.
—Confusion regarding the Secretary's authority to deduct and apply management fees derived from the proceeds of sales.
—The need for management of woodlands.
—The need for improved forest management planning and integrated resource management planning.
—The need for technical assistance in the marketing of forest products so that Indians may realize the maximum economic benefit from the harvest and sale of forest resources.
—The need for forest road systems, fire protection and pest control.

—The vast disparity between expenditures for the management of Indian forest lands and other comparable federal forest lands.
—The fact that Tribes are contributing in excess of $15,000,000 annually to the cost of management of Indian forest resources.
—The need for improved federal/tribal cooperation in management and planning activities.
—The burdens and opportunity costs associated with the application of federal laws related to archaeology and historic preservation to Indian forest lands.
—The forest management problems created by the checkerboarding of some Indian forest lands as a result of the allotment acts.
—Over 7,000,000 board feet of Indian forest resources have been lost in the last two years through trespass.
—The problems resulting from the absence of statutory authority for multiple use management of Indian forest lands.

On July 11, 1989, Senator McCain with Senators Inouye, DeConcini, Murkowski, Cochran and Gorton introduced S. 1289 in response to the mounting evidence of the need to clearly define the federal trust responsibility for management of Indian forest resources. The bill was the subject of hearings before the Select Committee on Indian Affairs on October 20, 1989. (S. Hrg. 101-322, 101st Cong., 1st Sess. (1989)). Another hearing was held on April 24, 1990 to receive testimony on revisions to the bill as originally introduced. On June 21, 1990 the Committee adopted an amendment in the nature of a substitute to S. 1289 which was offered by Senator McCain.

COMMITTEE AMENDMENT

The Committee amendment to S. 1289 is intended to provide a comprehensive statutory basis for the state of the art management of Indian forest resources. The amendment deletes the original bill in its entirety and substitutes therefor the "National Indian Forest Resources Management Act."

TITLE I.—GENERAL PROVISIONS FINDINGS

Consistent with prior Acts of Congress and the Supreme Court's decision in *Mitchell II*, the Committee amendment finds that the 15,990,000 acres of Indian forest lands, including 5,700,000 acres of commercial forest land and 8,700,000 acres of woodlands, are a perpetually renewable and manageable resource for which the United States has a trust responsibility. Existing federal statutes and regulations do not provide an adequate basis for assuring the necessary management of these trust assets. Federal assistance for the management and protection of Indian forest resources lags far behind investments in similar federal and private forest resources, as is shown by a comparison of expenditures for Fiscal Year 1984:

	Amount per acre	Percent of BIA
BIA	$1.67	100
U.S. Forest Service	2.34	140

	Amount per acre	Percent of BIA
BLM	7.39	443
Private	5.47	328

It is the intention of the Committee that this disparity be eliminated in the fiscal years following enactment of S. 1289, consistent with the fiduciary obligations of the United States. The Committee notes that the Indian tribes have consistently demonstrated a willingness to make significant financial and in-kind contributions to the cost of proper management of their forest resources. The Committee fully expects the tribes to continue to do so following enactment of S. 1289.

The Committee is also cognizant of the fact that overly strict application of federal laws relating to Federal undertakings of federally assisted or approved undertakings has greatly hampered tribal and federal efforts to obtain the maximum benefit from Indian forest resources. The Committee finds that Indian forest lands are, for purposes of management, analogous to private forest lands. Tribes should, to the maximum extent possible, be encouraged to develop and implement their own laws for the protection and management of their forest resources. It is the Committee's intention that tribal law should govern the management and protection of Indian forest resources to the maximum extent feasible consistent with the Secretary's trust responsibilities and the unique relationship between the Federal government and the tribes.

PURPOSES

The National Indian Forest Resources Management Act is intended to promote the cooperative Federal/tribal management and protection of Indian forest resources. To this end, forest management deductions should be applied solely for forest management activities on the reservation from which they have been derived.

The Committee is deeply disturbed by the fact that only 20% of Federal and tribal personnel employed in forestry programs for Indian lands are Indians or Natives. The education and employment assistance provisions of the bill are intended to encourage Indian and Native individuals to acquire the education and skills necessary to fully participate in the mangement of Indian forest resources.

In view of the evidence of the historic underfunding of the forestry program in the Bureau of Indian Affairs, a primary purpose of S. 1289 is to authorize appropriations at a level which will enable the United States to more fully meet its responsibility to protect and manage Indian forest lands. It is intended that, notwithstanding the authorizations contained in the bill, the Snyder Act (Act of Nov. 2, 1921, ch. 115, 42 Stat. 208, 25 U.S.C. 13) will continue to remain available as authority for appropriations for any forestry activity in any year in which appropriations for such activity are not made pursuant to S. 1289 after enactment. In this same regard, it is the Committee's intention that the other statutes relating to the management of Indian forest resources such as, but not limited

to 25 U.S.C. 406, 407, 413 and 466, shall remain in force and effect subsequent to the enactment of S. 1289.

DEFINITIONS

In light of the testimony received by the Committee regarding the lack of clarity in the existing forest management programs, the Committee amendment contains extensive definitions intended to clearly delineate the scope of the bill, its applicability and the management activities which are required to be performed. It is the Committee's expectation that by providing this level of detail, federal and tribal officials will have the framework necessary for the sustained yield management of Indian forest resources pursuant to fully developed and approved forest management plans and integrated resource management plans. The Committee is cognizant of the fact that sound management requires the application of uniform standards throughout the forest lands within a reservation or otherwise subject to the control of a reservation's recognized tribal government. It is the Committee's intention that the definitions contained in the amendment be construed to achieve such uniformity in the regulation and management of Indian forest resources.

The term "forest" is intended to include areas comprised of woodlands. The Committee received testimony to the effect that the Bureau of Indian Affairs has never provided for the protection and management of these valuable trust assets. Some experts estimate woodland revenues at $35,000,000 per year. In Fiscal Year 1990 the Congress for the first time, appropriated $500,000 for the purpose of enabling the Bureau of Indian Affairs to begin developing a reliable inventory of woodlands. The Committee believes that this important first step should be continued and that woodland areas should be subject to all of the protections and management requirements set forth in S. 1289, as amended.

The Committee has adopted a broad definition of forest land management activities because it intends to promote state-of-the-art management which yields optimal returns to the tribes. The provisions relating to protection against fire and insects are intended to be supplemental to and are not to replace other existing authorities and resources for the conduct of those activities. The Committee received considerable testimony regarding the inadequacy of current efforts to protect Indian forest resources from all types of losses associated with damage and trespass. It is the Committee's intention that Indian forest land management activities place a strong emphasis on the protections necessary to prevent such losses, including appropriate remedial actions when losses are sustained. In this regard, the Committee found that the lack of adequate road systems was a major impediment to proper management. The lack of adequate roads has affected harvests and has caused substantial environmental damage on Indian forest lands. It is the Committee's intention that road improvement and maintenance be included in all Indian forest land management plans and activities. To facilitate road improvement and maintenance, S. 1289 provides for the use of gravel derived from Indian forest lands on Indian forest land road systems.

The Committee received compelling testimony regarding the need for integrated resource management planning on Indian reservations. Accordingly, the Committee intends that forest management plans should be developed in a manner which is consistent with integrated resources management plans. All forest management plans should be developed with tribal participation, reflect tribal objectives for use of forest lands and be approved by the Secretary of the Interior.

Indian forest lands yield a wide variety of products for sale, personal consumption, subsistence and ceremonial uses. In addition, Indian forest lands are regarded by the tribes as providing benefits such as water, fisheries, wildlife, recreation and aesthetic or other traditional values. The Committee intends that tribal objectives with regard to these products, benefits and values will be accorded primary consideration in any approved management plan, to the extent fesible and consistent with the Secretary's trust responsibility.

The Committee has included a definition of Indian land to ensure that the Secretary continues to manage and protect all Indian forest lands which are currently eligible for such services. This definition includes lands held in trust for Natives in Alaska, but excludes non-trust lands owned by Alaska Native individuals or entities.

The phrase "reservation's recognized tribal government" is deliberately utilized throughout S. 1289 and this report. The phrase is necessary to avoid confusion since several distinct tribes or descendants of tribes may reside on a single reservation. For example, the Congress has consistently recognized the Quinault Indian Nation as the governing body of the Quinault Indian Reservation which includes residents of the Chinook, Cowlitz, Chehalis, Quileute, Hoh, Queets and Quinault tribal groups.

TITLE II.—FOREST MANAGEMENT AND ADMINISTRATION MANAGEMENT OF INDIAN FOREST LAND

While the direct responsibility for the management of Indian forest resources is vested in the Secretary of the Interior, the Committee amendment is also intended to continue the authority of the Secretary and the tribes to contract forest management functions through the Indian Self-Determination and Education Assistance Act (Act of Jan. 4, 1975, 88 Stat. 2203, as amended by the Act of Oct. 5, 1988, 102 Stat. 2285, 25 U.S.C. 450 et seq.). The Committee has noted with interest the increasing use of self-determination contracts, grants, cooperative agreements and self-governance compacts in the area of forest management. Such contracting is strongly supported by the Committee because it has yielded improved forest management activities.

The Committee amendment lists specific forest management functions and activities for the management of Indian forest resources. The Committee believes that such detail is necessary to maintain the accountability necessary to fulfill the trust responsibility for the management of Indian forests. In the past, the absence of such specificity has led to poor management, confusion, ill-will and litigation.

At the same time that a high degree of specificity is provided, the Committee amendment is intended to provide the Secretary and the tribes with the flexibility to manage Indian forest resources in a manner which is appropriate to the particular facts, circumstances and desires of each reservation's recognized tribal government. The Secretary is expected to closely cooperate with and assist the reservation's recognized tribal government in the development of the reservation's forest resource management plan. All forest management activities are to be conducted pursuant to such plans once they have been approved by the Secretary.

The Committee is very concerned about evidence that Indian tribes have not been able to achieve the maximum economic benefits from their forest resources. In the past, forest resource management has not included consideration of value added industries and activities. Instead, the emphasis has been on the sale of raw forest products. This has resulted in substantial lost revenues and employment opportunities. The Committee intends that future forest management include emphasis on activities which maximize the economic and employment benefits to be derived from Indian forest resources.

FOREST MANAGEMENT DEDUCTION

No aspect of the Secretary's forestry program has been the subject of greater controversy and confusion. Forest management deductions were collected by the Secretary from the inception of the forestry program in 1910. In 1920 and again in 1933, the Congress passed laws to provide authority and direction to the Secretary. (25 U.S.C. 413). Over the years, the amount of the deduction has varfied widely. The purposes for which the deducted funds have been used have included activities other than forest management. It has not always been entirely clear whether the deducted funds should be expended on forest management activities on the reservation from which the funds were derived. On numerous occasions, individuals and tribes have initiated litigation against the Secretary over the deduction and the use of the deducted funds. Confusion has even surrounded the name of the deduction. It has variously been referred to as the "administrative fee," the "10% fee" or the "management fee."

The Committee amendment is intended to provide the Secretary and the tribes with clear direction for the collection and use of the "forest management deduction." 25 U.S.C. 413 is intended to continue in effect as the authority for the collection of the deduction. The Committee amendment places a celing of 10% on the deduction, unless a lesser percentage is being collected on the date of enactment. The deduction can only be raised above these maximums with tribal consent. These provisions are intended to promote stability in tribal and federal efforts to plan and budget for forest management activities. In addition, provision is made for the direct deposit of the deduction by the purchasers of Indian forest products upon the request of a reservation's recognized tribal government. This provision is intended to promote administrative efficiency and to reduce the costs associated with the collection of the deduction.

Expenditures of deducted funds can only be made in accordance with a plan developed by a tribal reservation's recognized government and approved by the Secretary. Funds derived from the management deduction must be expended for forest management activities for or pertaining to the reservation from which the deduction is collected. The Committee believes that these provisions of S. 1289 will resolve longstanding questions and lead to improved federal and tribal cooperation in the management of Indian forest resources.

FOREST TRESPASS

Indian tribes continue to suffer substantial losses of forest resources through trespass and unauthorized harvesting. In part, these losses are sustained due to the lack of adequate enforcement and clearly defined penalties. The Bureau of Indian Affairs has estimated timber losses at 7,000,000 board feet for the past two years. In addition, substantial losses have occurred through the unauthorized removal of other products and through damage, including fire. The Committee amendment contains provisions which direct the Secretary to promulgate regulations to establish civil penalties for trespass and provide for adequate enforcement. Tribes which choose to adopt the Secretary's regulations are authorized to enforce the regulations. It is the Committee's intention that Tribal enforcement authority extend to all lands over which the reservation's recognized tribal government exercises jurisdiction. It is not intended that the authority conferred on the tribes be construed as a limitation on the inherent sovereign authority of any tribe to regulate trespass or to recover damages for losses sustained.

DIRECT PAYMENT OF FOREST PRODUCT RECEIPTS

Testimony received by the Committee revealed confusion over the authority of the Secretary to authorize the direct payment to tribes of proceeds from the sales of forest products. Some area offices of the Bureau of Indian Affairs permit this practice while others do not. The Committee amendment authorizes the Secretary, upon the request of a reservation's recognized tribal government, to provide for the payment of the gross proceeds of sales of Indian forest products from tribal lands into a bank depository account designated by the Indian tribe. The Committee intends this authority to apply only to sales proceeds derived from contracts, permits or harvest sale documents which have been approved by the Secretary. Funds deposited pursuant to this authority are not intended to be treated as trust funds pursuant to any Act of Congress, but are intended to be accorded the same non-taxable status accorded funds generated from the sale of an Indian trust resource. Any interest earnings on these funds are also intended to retain their non-taxable character. The purposes of this provision of the Committee amendment are to provide for prompt receipt of sales proceeds by the tribes, reduce the cost of administration of forestry programs, promote more tribal involvement in the management of those programs and to clearly define the Secretary's authority to provide for direct payments.

RECEIPTS FROM INDIAN ALLOTMENTS

The Committee amendment provides that, with the exception of funds collected for the forest management deduction, the Secretary is not authorized to pay the proceeds from the sale or harvest of forest products on individual allottee lands to a reservation's recognized tribal government without the consent of the allottee. This provision is intended to ensure that allottee receive the funds derived from the sale of forest products from their lands. The Committee emphasizes that this provision should not be construed in any way to limit the authority of the Secretary to collect forest management deductions from allotted lands. The funds from such deductions shall be expended in accordance with the approved tribal expenditure plan for the reservation.

SECRETARIAL RECOGNITION OF TRIBAL LAWS

The Committee amendment directs the Secretary to comply with tribal laws pertaining to Indian forest lands, to the extent feasible and consistent with the Secretary's trust responsibility. The Committee is concerned that the Bureau of Indian Affairs has inappropriately applied to Indian forest lands several federal statutes which are intended to govern federal actions and undertakings on public lands. In some instances this has led to unnecessary conflicts between tribal, state and federal officials. In many instances it has resulted in forest management activities which are inconsistent with tribal law. The Committee intends that strict adherence to the trust responsibility guide all management activities on Indian forest lands and that statutes applicable to federal undertakings on public lands be applied only to the extent that they are consistent with this fiduciary duty. Consistent with the policy of self-determination and the government-to-government relationship, tribal law should be followed unless it is found to be clearly inconsistent with the fulfillment of the federal trust responsibility. The tribes retain the inherent sovereign authority to protect their own resources and heritage in a manner which is consistent with their laws, traditions and values. Indian lands are not public lands. Indeed, they are more analogous to private lands. The mere involvement of the Department of the Interior in the management of Indian forest lands in its capacity as trust should not trigger the application of laws intended to establish minimum standards for the protection of public lands.

INDIAN FOREST LAND ASSISTANCE ACCOUNT

The Committee amendment authorizes the Secretary to establish an account to receive unobligated annual appropriations and other contributions and donations. Funds credited to the account are to be maintained and expended only for forest management activities on a reservation by reservation basis. The Committee is aware of similar accounts which are maintained by the U.S. Forest Service and the Bureau of Land Management and believes that the establishment of such an account for Indian forest lands will enable the Secretary to better accomplish his responsibilities, including the flexibility to respond to seasonal and market circumstances which

are not anticipated in the ordinary budgeting and appropriations process.

TRIBAL FORESTRY PROGRAMS

The Committee amendment authorizes the Secretary to establish a program intended to strengthen the capability of tribes to manage their forest resources. Virtually all of the problems identified by the Committee during its deliberations on S. 1289 lend themselves most readily to solutions which involve the development of increased tribal management capability.

Tribal forestry programs are already evolving on a number of timbered reservations. Approximately one-third of the Bureau of Indian Affairs forestry program has been contracted by tribes pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). At the present time, approximately 250 people are employed in tribal forestry programs, including about 60 professional foresters. The Committee believes that the establishment of an overall tribal forestry program will further the self-determination policy and lead to greatly enhanced management of Indian forest resources. Consistent with the provisions of Section 501 of the Committee amendment, the Committee intends that the Secretary shall provide for tribal participation in the development of the formula which will be utilized to determine the levels of assistance for tribal forestry programs.

TRIBAL FOREST LAND ACQUISITION GRANTS

The Committee amendment authorizes the Secretary to make matching grants to a reservation's recognized tribal government to promote the consolidation of Indian forest lands. It is intended that a one-to-one match be provided for any land acquisition otherwise authorized by law. No limitation should be placed on the source of the funds for the required tribal share. This provision of S. 1289 provides a partial response to recommendations made by various federal officials and commissions since 1928. On many reservations, the checkerboard ownership patterns resulting from the Allotment Act of 1887 create insurmountable obstacles to effective, cost-efficient management. The Committee is aware that many tribes are expending substantial sums to overcome these obstacles, including funds expended for land acquisition. Because the management problems associated with checkerboarding arise from past ill-advised federal policies, the Committee believes it appropriate for the Federal government to assist in tribal efforts to resolve these problems.

ASSESSMENT OF INDIAN FOREST LAND AND MANAGEMENT PROGRAMS

The Committee amendment directs the Secretary to secure an outside and independent assessment of the condition of Indian forest resources. Although the Bureau of Indian Affairs conducts an annual assessment of the management needs on Indian forest lands, every Federal and tribal witness who appeared before the Committee noted the necessity for an independent evaluation which should be conducted with the full participation of the tribes. Most witnesses also agreed that there was a need for such an eval-

uation to be conducted on a recurring basis. The Committee amendment requires a full and independent assessment to be performed every ten years, with annual reports to be submitted by the Secretary to the Congress in the intervening years.

In addition to assessing the condition of Indian forest lands, it is the Committee's intention that management practices and the feasibility of establishing value added enterprises associated with the development of Indian forest lands also be evaluated on a regular basis.

ALASKA NATIVE TECHNICAL ASSISTANCE PROGRAM

The Committee amendment includes authority for the Secretary to establish a program of technical assistance for the village and regional corporations established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*). The technical assistance program is intended to increase the capability of the Alaska Native corporations to manage their forest resources on a sustained yield basis and to maximize opportunities for local processing and other value added activities associated with their forest resources. Technical assistance funding is to be made available by the Secretary directly or through grants and contrats entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

TITLE III.—INDIAN AND ALASKA NATIVE FORESTRY EDUCATION ASSISTANCE PROGRAMS

The Division of Forestry in the Bureau of Indian Affairs has approximately 600 full-time personnel. While this Division has grown steadily since the 1970's, the number of personnel remains woefully inadequate to provide state-of-the-art management for Indian forest resources. Given the fact that the Division is experiencing a vacancy rate of 17%, the need for trained personnel is even more pressing. Of equal concern is the fact that in both federal and tribal forestry programs, only 20% of the personnel are Indians or Alaska Natives. The Committee has concluded that the absence of Indian and Alaska Natives trained in forestry has contributed to the lack of proper management of Indian forest resources. The Committee amendment to S. 1289 contains provisions which authorize the Secretary to establish intern programs, scholarships, cooperative education programs, inter-governmental internships and continuing education programs for Indians and Alaska Natives in order to improve the capacity of the federal and tribal governments to provide for the effective management of Indian and Alaska Native forest resources. Most of these programs will require recipients to enter into obligated service agreements, intended to increase the number of qualified Indian and Native professionals engaged in management activities on Indian forest lands.

TITLE IV.—AUTHORIZATION OF APPROPRIATIONS

Federal appropriations for management activities on Indian forest lands in Fiscal Year 1989 were approximately $32,000,000. The March, 1990 "Forestry Program Funding and Position Analysis" report of the Bureau of Indian Affairs documents an immedi-

ate need for at least $31,700,000 in additional funds for forest management activities on Indian lands. Given the fact that the estimate of funding needs is not based on an assessment of the requirements for state-of-the-art management, the Committee believes the BIA's estimate to be low. The Committee is also mindful that the historic underfunding for management of Indian forest resources had led to: impaired development of the physical improvements necessary for forest protection; inadequate staffing levels; reduced investment in management planning and decreased forest productivity; and substantial losses in potential income and employment benefits attainable through more productive utilization of Indian forest resources. These factors, combined with the specific authorities and duties conferred on the Secretary in the Committee amendment, have led the Committee to conclude that a minimum annual authorization for Indian forestry programs should be $75.5 million. In addition, the Committee amendment includes a provision authorizing the adjustment of appropriations to partially compensate for the effects of inflation. The Committee believes this provision to be warranted in light of the downward trends in federal appropriations for Indian programs and services which were documented in the Committee's Budget Views and Estimates for Fiscal Year 1991. (S. Prt. 101-89, 101st Cong., 2d Sess. (1990)).

TITLE V.—REGULATIONS

Consistent with the Committee's intention to provide for increased Federal/tribal cooperation in the protection and management of Indian forest lands, the Committee amendment directs the Secretary to develop regulations with the participation of the tribes. The Committee has received reports regarding problems in the implementation of a similar provision contained n the 1988 amendments to the Indian Self-Determination and Education Assistance Act. (Act of Oct 5, 1988, 102 Stat. 2285, 25 U.S.C. 450 et seq.). From the information received by the Committee it is clear that the Department of the Interior has not established a process to ensure full tribal participation in the development of regulations. The result has been confusion, inefficiency and excessive delay. In addition, it appears that the Federal and tribal governments are unnecessarily expending scarce financial resources due to the absence of an agreed upon process. The Committee believes that the Secretary should in participation with the tribes, develop a process which includes firm timelines and appropriate procedures for the resolution of disputes in order to develop the regulations required by S. 1289. To the maximum extent feasible, the Secretary should bear the costs associated with tribal participation.

LEGISLATIVE HISTORY

S. 1289 was introduced on July 11, 1989 by Senator McCain, for himself and Senators Inouye, DeConcini, Murkowski, Cochran and Gorton and was referred to the Select Committee on Indian Affairs. The Committee held hearings on S. 1289 on October 20, 1989 and April 24, 1990.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

In open business session on June 21, 1990, the Select Committee on Indian Affairs, by a unanimous vote of a quorum present, ordered the bill, with an amendment in the nature of a substitute, reported with the recommendation that the Senate pass the bill as amended.

SECTION-BY-SECTION ANALYSIS

Section 101. Short title.—This section sets forth the short title as "The National Indian Forest Resources Management Act."

Section 102. Findings of Congress.—This section sets forth the Congressional Findings which include a description of Indian forest resources, their management by Federal and tribal governments and a statement of the Federal trust responsibility.

Section 103. Purposes.—This section sets forth the purposes of the bill which include meeting the Federal trust responsibility, defining tribal contributions, improving Indian participation in management and authorizing necessary appropriations.

Section 104. Definitions.—This section provides definitions for the principal terms used in the bill.

Section 201. Management of Indian forest land.—This section authorizes the Secretary to undertake direct management of Indian forest lands or to contract management activities pursuant to Public Law 93-638, as amended, the Indian Self-Determination and Education Assistance Act. This section also sets forth the specific objectives which are to guide Federal and tribal management of Indian forest lands and provides for sustained yield and multiple use management based on Federal and tribal plans as approved by the Secretary.

Section 202. Forest management deduction.—This section authorizes the Secretary to deduct a percentage of the proceeds of sales of forest products harvested from Indian forest lands. The maximum deduction cannot exceed ten percent without the consent of the Indian tribe. Deducted funds must be utilized for forest management activities in accordance with a plan developed by the affected tribe and approved by the Secretary. Provision is made for the direct deposit of deducted funds by the purchasers of Indian forest products into an account designated by the Indian tribe. Funds which are directly deposited may be expended by the tribe in accordance with a plan approved by the Secretary and the tribe.

Section 203. Forest trespass.—This section directs the Secretary to promulgate regulations to establish civil penalties for forest trespass and provides for concurrent enforcement of the regulations by Indian tribes.

Section 204. Direct payment of forest product receipts.—This section authorizes the Secretary to provide for direct payments to Indian tribes of the proceeds from sales of Indian forest products.

Section 205. Receipts from Indian allotments.—This section prohibits the Secretary from paying receipts from allotments, except for forest management deductions, to a tribal government without the consent of the allottee.

Section 206. Secretarial recognition of tribal laws.—This section authorizes the Secretary to recognize and comply with tribal laws,

to the maximum extent feasible, in the conduct of the Secretary's forest management activities.

Section 207. Indian forest land assistance account.—This section authorizes the Secretary to establish an Indian Forest Land Assistance account, the proceeds of which would be utilized by the Secretary to carry out any activity authorized by the bill.

Section 208. Tribal forestry programs.—This section authorizes the Secretary to establish a program to support tribal forestry management activities.

Section 209. Tribal forest land acquisition grants.—This section authorizes the Secretary to match tribal funds for the acquisition of Indian forest lands.

Section 210. Assessment of Indian forest land and management programs.—This section authorizes the Secretary to enter into a contract for a comprehensive assessment of Indian forest land resources and management plans and requires that the assessment be updated every ten years. This section also requires the Secretary to make an annual report to the Congress on the management of Indian forest lands.

Section 211. Alaska Native technical assistance program.—This section authorizes the Secretary to establish a technical assistance program for Alaska Natives. Assistance would be provided directly by the Secretary or through grants and contracts entered into pursuant to P.L. 93-638, the Indian Self-Determination and Education Assistance Act.

Section 301. Forestry education assistance.—This section authorizes the Secretary to establish a forester intern program, a cooperative education program and a scholarship program to provide for increased opportunities for Indians and Alaska Natives to become involved in the management of Indian forest lands.

Section 302. Post graduation recruitment, education and training.—This section authorizes the Secretary to establish post graduate training, continuing education and recruitment programs to encourage Indians and Alaska Natives to become employed in Federal or tribal forestry management activities on Indian forest lands and to increase the proficiency level of personnel employed in tribal and Federal forestry programs.

Section 303. Cooperative agreements.—This section authorizes the Secretary to enter into cooperative agreements with Indian tribes to provide for manpower and job training and development programs to promote Indian management of Indian forest lands.

Section 401. Authorizations.—This section provides authorizations for appropriations to carry out the purposes of the bill.

Section 501. Regulations.—This section authorizes the Secretary with the participation of the tribes, to promulgate regulations to implement the provisions of the bill within eighteen months after the date of enactment.

Section 502. Severability.—This section provides that the provisions of the bill would continue in full force and effect in the event that any provision might be found to be unconstitutional.

COST AND BUDGETARY CONSIDERATION

The cost estimate for S. 1289, as amended, as calculated by the Congressional Budget Office is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 1990.

Hon. DANIEL K. INOUYE,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1289, the National Indian Forest Resources Management Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1289.

2. Bill title: The National Indian Forest Resources Management Act.

3. Bill status: As ordered reported by the Senate Select Committee on Indian Affairs on June 21, 1990.

4. Bill purpose: S. 1289 would provide specific statutory guidance to the Bureau of Indian Affairs (BIA) for the management of Indian forest lands and would authorize annual appropriations of $72.5 million, adjusted for inflation, to carry out these activities through fiscal year 1995. The authorization would increase to $77.5 million, adjusted for inflation, in 1996. Also, such sums as may be necessary would be authorized for the BIA to obtain periodic independent assessments of the condition of Indian forest resources.

The bill would authorize the appropriation of $3 million annually, adjusted for inflation, to establish a number of forestry education assistance programs, including scholarships, internships, and cooperative education programs, to increase the number of Indian and Native forestry professionals.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Estimated authorization level	75.5	77.2	79.4	81.6	84.0
Estimated outlays	62.7	76.9	79.0	81.3	83.6

The costs of this bill fall in budget function 300.

Basis of estimate: CBO assumes that S. 1289 will be enacted by early in fiscal year 1991 and that the full amounts authorized will be appropriated beginning in that year. Outlays were estimated based on information from BIA and on historical spending patterns for these and similar activities.

S. 1289 contains provisions that would allow Indian tribes to receive the proceeds from timber sale activities directly rather than depositing them into tribal trust funds in the U.S. Treasury. Direct payments of timber receipts, which would bypass the Treasury entirely, would have no impact on the federal budget over time because receipts deposited into these trust funds, along with interest, are available to the tribes without further Congressional action.

Direct payments would have an impact on the federal budget initially, however, because currently there is a lag between the receipt of such funds into the treasury and their withdrawal by the tribes. While the lag between deposit and withdrawal from the funds varies greatly by tribe, we estimate that, on average, deposits remain in the tribal trust funds for at least nine to twelve months. Direct payment would eliminate this lag, thereby reducing net receipts to the government in the first year.

We do not expect that these provisions of the bill will have a significant additional budget impact, however, because information from BIA indicates that most tribes with significant timber sale programs will have the option of receiving direct payments under current law beginning on October 1, 1990.

6. Estimated costs to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Theresa Gullo and Marta Morgan (226–2860).

10. Estimate approved by: C. G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI, of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 1289 will have minimal regulatory or paperwork impact.

EXECUTIVE COMMUNICATIONS

The Bureau of Idian Affairs testified on S. 1289, as introduced, at the October 20, 1989 hearing before the Committee. At that time, enactment of S. 1289 was recommended with certain amendments which have been included in the Committee amendments. The statement of the Bureau of Indian Affairs follows:

STATEMENT OF PATRICK HAYES, ACTING DEPUTY ASSISTANT SECRETARY-INDIAN AFFAIRS (TRUST AND ECONOMIC DEVELOPMENT), DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, I am pleased to present the views of the Department of the Interior on S. 1289, the "National Indian Forest and Woodland Act."

We recommend enactment of S. 1289 with the amendments described in this statement.

Indian forest resources and the economic benefits derived from their use and development, both on and off Indian reservations are of major concern to Indian tribes. This bill, if fully incorporating

the administration's recommendations, would go a long way in promoting Indian self-determination and economic self-sufficiency.

The Wheeler-Howard Act, also known as the Indian Reorganization Act of 1934 (25 U.S.C. 461 *et seq.*), instituted the requirement that Indian forests under the Act be managed under the principles of sustained yield. Since enactment of that major legislation, additional changes and modifications to sustained yield management have occurred only a few times, principally in 1944 (58 Stat. 132–135; 16 U.S.C. 583), and 1964 (78 Stat. 186, 187; 25 U.S.C. 406, 407.)

Although the principles of sustained yield forest management have remained unchanged, products from forests have evolved as well as advanced in marketing and forest technology. Harvest methods have improved, there is better utilization of harvested materials, and there have been many advances in forest development. For example, some Indian tribes conduct computerized greenhouse operations and operate forest nurseries, seed orchards and other tree improvement programs. Indian tribes own and operate state-of-the-art forest products manufacturing enterprises, and compete in world markets with various forest products. The Bureau of Indian Affairs (BIA), over the years, has taken on the additional workload and expense of an increasingly more sophisticated forestry program.

Because opportunities to improve the forestry program occur infrequently, we view this as a rare privilege to provide extensive comments on the proposed bill and to offer recommendations that we believe incorporate all of the BIA's and the tribes' Indian forestry program goals and objectives.

Legislation that would improve the management of forest resources on Indian lands should contain the following elements:

1. BIA responsibility and authority to manage all Indian forest lands (timberland and woodland);
2. timber sale administrative deductions and procedures set by statute, not secretarial discretion.
3. authorization for direct payment of timber sale proceeds to Indian recipients;
4. authorization of an Indian Forestry Educational and Training Assistance Program;
5. application and inclusion of integrated resources management principles in forest resource planning and field activities; and
6. evaluation of the trespass problem on Indian lands and appropriate remedies.

These elements are taken from the Intertribal Timber Council (ITC) Vision 2000 Report, which lists the forestry program objectives and goals that ITC member tribes are working to attain by the year 2000. The workshop that developed the report was a joint ITC and Bureau Forestry effort and are the common goals for both participants. A copy of the report is submitted for the record.

All of the provisions of S. 1289 are commendable. However, we believe some stop short of fully resolving the forestry issues being addressed. The following is our section-by-section analysis of the bill along with our suggested comments.

Section 1 of S. 1289 cites the title of the Act. The title is technically incorrect because the BIA is responsible for managing all

forest resources, not just timberlands and woodlands. We recommend that the title be "The National Indian Forest Resources Management Act."

TITLE I—ADMINISTRATIVE PROVISIONS

Section 101 sets forth the findings of the Congress. We have no objection to these.

Section 102 sets forth the purposes of the Act, which include: (1) safeguarding investments/providing adequate, stable, and secure funding, (2) providing sustained yield management, trust responsibility (3) increasing Indian forester employment, (4) promoting Indian self-determination, (5) providing Secretarial authority to curb timber (and fire) trespass on Indian lands.

The purposes are good, but some are not expressed very strongly. A very important purpose should be added: "Support full and active Indian participation in the development of their forest resources, enhancement of forest industry related employment opportunities, expansion of forest products marketing activities, and other activities promoting Indian self-determination and economic independence."

Section 103 provides the definitions for terms to be used for the purposes of this Act.

The definitions are taken from 25 CFR 163.1 and the "Native American Woodland Resources National Overview Report." Some are archaic and no longer used as defined in this bill. Some are redundant; others are worded in a manner that gives rise to misinterpretation. For example, the term "Indian forest and woodland" used throughout the bill should be changed to "Indian forest land." Indian forest land is a term encompassing all classes of Indian forests which divide out into two major classes—timberlands and woodlands. In light of the numerous concerns we have about the present terms and definitions in this bill, we recommend that the Committee staff work with BIA Forestry personnel to arrive at agreed upon modern forestry terms and definitions.

Because Federal trust responsibility issues regarding Alaska Natives and natural resources are unresolved, we assume that S. 1289 does not propose to include additional lands as eligible to receive Forestry funds and services.

TITLE II—FOREST AND WOODLAND ENHANCEMENT

Section 201 directs the Secretary of the Interior (Secretary) to manage commercial forest lands and woodlands, and to be guided by eight objectives, which are taken directly from 25 CFR 163.3.

Section 201 states that only commercial forest lands and woodlands will be managed. This bill language is too restrictive because the Secretary has a trust responsibility to manage and protect (in varying degrees) all Indian forest lands and not just commercial lands. The intensity of the management effort is proportional to the value of the forest resources and to tribal objectives.

The objectives for management and forest resources are acceptable. However, we question the added value of codifying in federal statute, current Federal Regulations 25 CFR 163.3, which is based on existing law.

Section 201(8) implies, as does 25 CFR 163.3(h), that management and protection of Indian forest lands includes other forest resource values plus recreation, aesthetic, cultural, and other traditional values. This is termed integrated resources management and is an ITC Vision 2000 Report high priority goal. We suggest this be amended to clearly state that Integrated Resources Management Planning (IRMP) is a Forestry Program management objective.

Section 202 directs the Secretary to limit fee deduction to the lesser amount of 10 percent of gross proceeds, the actual percentage deduction now collected or the total cost of the Forestry program where collected. It exempts the costs paid from funds appropriated for fire suppression or pest control. This goes a long way towards resolving longstanding issues with Indian tribes. To prevent misinterpretation, we recommend that 25 U.S.C. 413 be formally amended by the bill. The Indian tribes feel the Secretary should not have wide ranging discretion concerning the setting of administrative fee amounts. The accepted term of use for these deduction/fees is "Forest Management Deductions."

The bill states that the full amount of administrative deductions collected by the Secretary for a reservation shall be made available to the tribal governing body for use in the reservation forestry program. This may be a source of contention. Allottees may not prefer to see the fees collected on their allotment, which to them is a considerable reduction in stumpage value received, used in a reservation tribal forestry program, and possibly spent for work on reservation forest lands, other than their own. However, tribal elections are held to honor the will of the members, and it is at this point that dissent can be expressed.

Perhaps a more important aspect of section 202 is that it is silent about fees generated where no formal tribal forestry program exists. In such cases, the Secretary would be directed to use the fees collected for forestry purposes on lands where they were first generate, with any surpluses used elsewhere in the Indian forestry program. Amending 25 U.S.C. 413, to prevent any of these fees generated/collected from being covered into the U.S. Treasury, will clarify this point.

Finally, this bill should not raise a new issue regarding which forest resource values generated forest management deductions. Bill language should plainly state that the basic raw forest material is the sole source for generating forest management deductions. Section 203 directs the Secretary, within 180 days of enactment, to evaluate the extent of the problem on Indian forest lands; promulgate regulations for trespass, including penalties, collection of costs, assessments, and the like; and provide a report to Congress outlining the nature and extent of the trespass problem on Indian lands, including legal or practical impediments to the resolution of this problem.

The timeframe to prepare a report and promulgate Federal regulations addressing the Indian trespass problem is not realistic. We recommend a minimum of one year to accomplish these tasks. Also, this bill presents an opportunity to address the Department of Interior's general trespass problem. Indian lands often adjoin other lands administered by the Department, principally run by the Bureau of Land Management. Because the trespass problem is

universal to all land managers, we recommend that S. 1289 be amended to provide that the report be coordinated with other agencies within the Department of the Interior.

TITLE III—INDIAN FORESTRY EDUCATION ASSISTANCE PROGRAMS

Section 301 establishes a Forestry intern program, a cooperative education program, and a scholarship program. It directs the Secretary to continue the programs until there are an adequate number of qualified, professional Indian foresters to manage the Bureau and tribal forestry programs.

We strongly support such intern programs and feel they will be a positive force in promoting Indian self-determination. The cooperative education program should also include an obligated service requirement to make it comparable to the Forester intern and scholarship programs.

The BIA currently administers similar education programs to train and educate qualified Indian students in natural resources through cooperative programs and workshops with Haskell Indian Junior College and with direct financial assistance. We plan to increase our efforts in this area by better utilizing the education resources already available within the BIA. The educational provisions in S. 1289 will hopefully complement our efforts to attract qualified Indian students to manage the Forestry programs maintained by the BIA or by the tribes.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Section 401 provides authorization for money to be appropriated in each fiscal year as are necessary to carry out this Act.

I again want to thank the Committee, and particularly Senator McCain, for introducing this bill. BIA staff and resources are ready and eager to provide assistance, advice, and further information that will contribute to the passage of comprehensive Indian forestry legislation to improve management of forest resources on Indian lands.

This concludes my prepared statement. I will be pleased to respond to any questions the Committee may have.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that enactment of S. 1289 will not result in the repeal or amendment of any existing law.

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